

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CESAR MUNOZ SILVA,	:
Petitioner	:
v.	: Case No. 3:23-cv-225-KAP
MICHAEL UNDERWOOD, WARDEN,	:
F.C.I. LORETTO,	:
Respondent	:

Memorandum Order

In September 2023, petitioner, an inmate at F.C.I. Loretto, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In October 2023 the case was administratively closed because petitioner had not paid the filing fee or filed a motion to proceed *in forma pauperis*. Later that month petitioner sent in an inmate account statement, but no motion to proceed *in forma pauperis*. When I next looked at the case in December 2023, I ordered the matter reopened as if a motion had been filed. Because petitioner was not indigent I ordered the Marshal to make service of the petition on the respondents and the United States Attorney for the Western District of Pennsylvania, costs to be advanced by the petitioner. The petition was forwarded to the Marshal in January 2024. Usually the Marshal writes to the petitioner and advises the petitioner of the cost of service (usually around \$25) and makes service when that is received. That was done in this case.

Petitioner sent in \$5 for the filing fee in February 2024, but has never paid the cost of service or even responded to the Marshal. The petition is sitting, unserved, in the Marshal's office. If petitioner's financial circumstances have changed he can file an up-to-date motion to proceed *in forma pauperis*. If they have not, then petitioner needs to pay the cost of service, or this matter may be dismissed for failure to prosecute.



DATE: May 15, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Cesar Munoz Silva, Reg. No. 63313-379
F.C.I. Loretto
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